STATEMENT BY MINISTER

Circumstances Leading to the Arrest and Subsequent Release of Shri Yaswant Sinha, Member, Rajya Sabha

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Madam Deputy Chairman, with your permission, I wish to inform the House that on the 25th February 1989 ...*(Interruptions)*...

Madam, Yesterday ...*(Interruptions)*

AN HON. MEMBER: There is lack of quorum.

THE DEPUTY CHAIRMAN: Let me count.

SHRI M.M. JACOB (Kerala): Madam, we promised in the morning that as soon as we get the information we will request the Home Minister to come here and tell us what exactly has happened. He has just got the information.

SHRI ARANGIL SREEDHARAN (Kerala): Before he comes the hon. Minister should have informed us.

THE DEPUTY CHAIRMAN: It is not a statement. If it was a statement, you would have been informed. On your behalf I had requested the Minister for Parliamentary affairs to expedite the matter and get the information. Urgency was shown yesterday and today. That is why we got the Home Minister to come as soon as he got the information. That is the reason. Otherwise, we take the responsibility and inform Members.

DR. R.K. PODDAR (West Bengal): Does the Minister propose to make a formal statement after all?

THE DEPUTY CHAIRMAN: He is informing us of what happened.

DR. R.K. PODDAR: Would there be a separate statement?

SHRI ARANGIL SREEDHARAN: Is he making a statement? What does he mean by information?

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam...

THE DEPUTY CHAIRMAN: Mr. Jadhav, will you please sit down? I think I am capable of running the House. I do not need your help just now. When I need it, I will request for it. *(Interruption)*. He is asking me. He is asking the Chair. Let me have the pleasure of replying to him. Hon. Members may please sit down. What information he got he is giving. You listen to it. You can ask whatever queries or additional information you want later. Please, let him speak now.

SHRI BUTA SINGH: Madam, you were kind enough to direct yesterday that I would come to the House as soon as I got, the information and share it with this august House. It is under that direction that I am coming now. I am thankful to you.

I was saying that on 25th February 1989, there was an incident in Chandigarh over the action of enforcement staff against encroachment by 'rehriwallahs' in Sector 37 Market. A local Janata leader Shri Harmohan Dhavan, who organised a demonstration in this context, had subsequently to be arrested along with his followers. This was followed up by the plan of daily courting of arrest and a number of persons courted arrest between 26th February and 3rd March 1989. On 4th March, as part of this programme, a large number of demonstrators under the leadership of Shri Yashwant Sinha, Member of Parliament, Rajya Sabha, assembled near the Shopping Complex, Sector 17. They were led by Shri Yashwant Sinha, Member of Parliament, Rajya Sabha. They raised slogans against the Estate Officer and the Deputy Commissioner of Chandigarh Administration. The police on duty advised

them to be peaceful and not to disturb the peace and to disperse. Sector 17 Shopping Complex, as you know, is a prestigious area and any violence there would have had wide repercussions. As it is, Chandigarh stands notified as a disturbed area in view of its susceptibilities. The demonstrators, however, did not heed the advice and insisted on breaking the police cordon. They were accordingly arrested at about 3.30 p.m. and taken to the police station. In all 103 arrests were made including the hon. Member Shri Yashwant Sinha. At the Police Station, Shri Yashwant Sinha, being a Member of Parliament, was extended all due courtesy by the SHO of the police station. He was requested to take seat in the room of the SHO. Shri Yashwant Sinha declined and preferred to remain with his supporters. The hon. Member was also offered tea. But he preferred to have tea along with his supporters on their own. Arrangement for this were made accordingly Later in the evening, food was served to Shri Yashwant Sinha and his 102 supporters by the police. The Kalendras under sections 107 and 151 Cr.P.C. were produced before the SDM at the police station. He ordered their release on furnishing personal bond without any surety. Shri Yashwant Sinha and others, however, refused to furnish personal bonds. They were, therefore, remanded to judicial custody till 10th March 1989. As the District Jail in Chandigarh was already full and there was no other accommodation, the SDM further ordered that Shri Yashwant Sinha and others may be lodged in the District Jail, Patiala. Shri Yashwant Sinha was provided with a separate vehicle for journey to Patiala Information regarding the arrest of Shri Yashwant Sinha, MP, was communicated as per the existing instructions both by express telegram and wireless message at 9.10 p.m and 9.30 p.m. respectively on the 4th March to the honourable Speaker, Lok Sabha and to the honourable Chairman Rajya Sabha at New Delhi. I got in touch with the Governor of Punjab who is also the Administrator of Chandigarh and he issued instructions for the release of Shri Yashwant Sinha, MP. Information has been received from the Chandigarh Administration today that the SDM has issued necessary orders and Shri Yashwant Sinha, MP has been released.

THE DEPUTY CHAIRMAN: This is the information which the Minister has, which he gave on the request of the Members yesterday and the concern shown today when I asked the Minister of Parliamentary Affairs to convey to the Home Minister to get us the information. And they asked me whether he could inform the House about it because again tomorrow you would have been concerned about Mr. Yashwant Sinha's well-being. So the Home Minister has brought the information. If you want to have any queries about it, you are welcome though it is not a statement as such is why you were not informed beforehand; but still if you have any questions to ask, you are welcome.

SHRI SUKOMAL SEN (West Bengal): In the last part of the statement he has said that he has been released. He was arrested on 4th only on charges of violation of 144 and there was no other charge against him as per the statement of the honourable Minister. Now they wanted a personal bond. The honourable Home Minister knows very well, when you are arrested on charges of violation of 144 we never execute a personal bond to the police station or to the police officer. Usually we let you out and if some case has to be filed, we file the case in the court of law and we try you. In this case for so many days they were kept in custody for breaking 144. Why was he kept in custody? He had not committed any violence. He had not beaten anybody. He had not murdered anybody. What is the meaning of judicial custody? That point was raised but that point was not clarified by the Minister. Now he has been released. But when? When there was an uproar in Parliament from all

[Shri Sukomal Sen]

sides of the House, when Members protested and demanded his release, then only he has been released; otherwise, he might have been kept in custody still. So he should clarify why judicial custody.

SHRI BUTA SINGH: I am rather sad that the honourable Member did not listen to a single word of the information that I gave to this House. If he had heard me, he would not have said that he was arrested under Section 144. I cleared stated that he was arrested under Sections 107 and 151. I do not know from where he got this 144.

SHRI SUKOMAL SEN: Did he commit any violence?

SHRI BUTA SINGH: You have not paid any attention to my statement. Under Sections 107 and 151 he was remanded to judicial custody up to 10th March. That also you have missed.

SHRI SUKOMAL SEN: But why? What was the offence?

SHRI BUTA SINGH: That you should ask the judicial Magistrate.

SHRI SUKOMAL SEN: What was the offence?

SHRI BUTA SINGH: Under 107 and 151. That was the offence. He was remanded to judicial custody up to 10th March. Now, I am not the Magistrate.

THE DEPUTY CHAIRMAN: Mr. Sukomal Sen, Home Minister is Home Minister; he is not the Magistrate. The Home Minister is just giving you the information you asked for. Why the Magistrate did this or that, are we competent to ask this question in this House?

SHRI SUKOMAL SEN: Who frames the charges? The police frames the charges....

THE DEPUTY CHAIRMAN: Ask the Magistrate, not this House, not the Minister.

SHRI BUTA SINGH: The Magistrate asked these people who were arrested to offer personal bonds and get released. They did not comply with that. Therefore, they were kept.

SHRI SUKOMAL SEN: Did he resort to violence?

SHRI BUTA SINGH: Under section 107. Perhaps the honourable Member knows the law; under this section it is for breach of the peace in a given locality.

SHRI SUKOMAL SEN: Does it mean that your police officer can do anything he likes, whatever he likes?

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Did you pull up your police officers?

SHRI SUKOMAL SEN: Does anything amount to breach of the peace?

SHRI BUTA SINGH: I have not enforced this section. The Judicial Magistrate has enforced these sections. Now, the credit goes to the Chair and the honourable Members of this House that the Governor has kindly ordered the release earlier than required.

THE DEPUTY CHAIRMAN: Mr. Kulkarni also has given his name. Now Mr. Sreedharan.

SHRI ARANGIL SREEDHARAN: Madam, the honourable Home Minister has not furnished us all the information. From his statement I understand that my esteemed colleague, Shri Yashwant Sinha, was arrested because he went there with some of his followers and shouted slogans against the Divisional Commissioner. I do not know under which section of the Indian Penal Code or under any law a

person can be arrested for shouting slogans against somebody else. They were asked to stop shouting and to disperse. This, I think, is highly illegal.

The second thing that I want to know is this: Now, Mr. Sinha has been released. Now that he has been released, will the Government proceed with the case or will the Government drop the case against him for which he has been arrested?

SHRI BUTA SINGH: Madam, as I have informed the honourable House, the situation in Chandigarh is not that normal and ordinary which as prevailing in other cities. As a matter of fact, the towns in Punjab have to be kept free from any kind of commotion, especially in the busy market areas. You know the things that have been happening in Punjab, in the towns in Punjab. The police and the other authorities are taking extra precaution to see that nothing untoward happens. Therefore, I am not defending any action. But I must also, at the same time, presume that the authorities have taken precautionary measures and the section that they have enforced is perhaps the proper section that has to be enforced under such a situation. I will further inquire as to what was the situation. But it was a prolonged agitation of people from outside the city of Chandigarh. people were brought from outside Chandigarh and my information is that not many people from the local area joined the agitation. Therefore, there was a real threat of breach of peace in that locality and the authorities took these normal measures. There is nothing abnormal about it. And, Madam, if the honourable Member had asked his followers to comply with the instructions of the Magistrate, they would have been released then and there. But they insisted upon this. They have asked why such a long time has been taken. It is becuase there were 103 people and each individual case was to be registered and the papers were to completed and, therefore, more time was taken for this. Yesterday also I have siad that we have taken special care and he was given full security protection. He was given a special vehicle so that he is not put to any undue incovenience. And, Madam, he being a member of the Indian Administrative Service, the District Magistrate, the Commissioner and everybody, most of the officers, knew him personally. therefore, according to my information, he has not been put to any hardship in Chandigarh.

SHRI ARANGIL SREEDHARAN: Madam, he has not asnwered my second point. I wanted to know whether the case against Mr. Sinha will be taken up, whether he will be proceeded against. Will the Government continue and proceed with the case against him or will it be dropped? This is my second clarification which he has not answered.

SHRI DEBA PRASAD RAY (West Bengal): Madam, the honourable Members have expressed their concern about Mr. Yashwant Sinha and the honourable Home Minister has informed the House as to what action has been taken by him. But I would like to inform him throught your good offices that one Member of the Legislative Assembly of West Bengal, Mr. Ambika Banerjee, has been mercilessly beaten up by the men of his party *Interruptions.*

SHRI SUKOMAL SEN: What is this? *(Interruptions)*... How can he raise this here? *(Interruptions)* .

SHRI PARVATHANENI UPENDRA: How can he raise this now? .. *(Interruptions)*...

SHRI DEBA PRASAD RAY: He is a Member of the West Bengal Legislative Assembly. I want the honourable Home Minister to inform us as to what action he is taking to ensure the protection to the elected Members of the Legislative Assembly *(Interruptions)*...

SHRI SUKOMAL SEN: How can he raise it? *(Interruptions)...*

SHRI DEBA PRASAD RAY: Because he is a Member of the Legislative Assembly ...*(Interruptions)*... ladam, the person who was accompanying him was also beaten up . *(Interruptions)*...

SHRI SUKMAL SEN: How can he say all these things? ...*(Interruptions)*...

THE DEPUTY CHAIRMAN. The Minister is here ... *(Interruptions)*...

SHRI DEBA PRASAD RAY: I want the Home Minister to ensure that protection is given to the elected Membes of the Assembly .. *(Interruptions)*... people are being assaulted ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Please sit down .. *(Interruptions)*... ll of you, please sit down ...*(Interruptions)*... Please sit down.

(Interruptions)

SHRI PARVATHANENI UPENDRA: He cannot threaten like that. *(Interruptions)*...

THE DEPUTY CHAIRMAN: I will request the hon. Members to please sit down.

SHRI PARVATHANENI UPENDRA: he should withdraw. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. D.P. Ray...*(Interruptions)*

SHRI PARVATHANENI UPENDRA: It is very serious. He cannot....(*Interruptions*)

THE DEPUTY CHAIRMAN: I request all of you to sit down. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: He cannot threaten Members like that. He must....(*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. D.P. Ray.....(*Interruptions*)

SHRI DEBA PRASAD RAY: I will teach you a very good lesson. (*Interruptions*)

THE DEPUTY CHAIRMAN: You are disrupting the peace of the House. Please sit down, all of you. (*Interruptions*) I request you to have peace. Just now we have been discussing disruption of peace outside. Let us keep peace over here also. (*Interruptions*) When I am on my legs, please sit down.

SHRI PARVATHANENI : the Member made some statement. He has....(*Interruptions*)

THE DEPUTY CHAIRMAN: Just a minute.

AN HON. MEMBER: He said that he would slap....(*Interruptions*)

THE DEPUTY CHAIRMAN: I am very sorry. When Members requested for a statement or inquiry, on the request of the entire House I asked the Home Minister and the Minister for Parliamentary Affairs to come and give them the information. I did not know that if the information comes you are going to disrupt the peace, in this House. We are talking of peace outside. We are now going to the next business.

AN HON. MEMBER: Who is disturbing? (*Interruptions*)

SHRI PARVATHANENI UPENDRA: What is your ruling?

THE DEPUTY CHAIRMAN: If he has said anything which is against the rules of the House, anything which is

derogatory, it will be expunged. I will see the record. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: The threat of physical assult you cannot ignore. For that he should apologize, (*Interruptions*) In all fairness, he should be asked to withdraw .....(*Interruptions*) It is unfair. It is a bad precedent.

THE DEPUTY CHAIRMAN: Wthdraw what? Would you let me ask him to withdraw? (*Interruptions*)

SHRI PARVATHANENI : I request Mr. Ray to please apologize. (*Interruptions*)

THE DEPUTY CHAIRMAN: Unfortunately, all of you speak/together. (*Interruptions*) Just a minute. Mr. Upendra, please sit down. If you speak at the same time, I have only two ears. Both the ears hear the voice at the same time. I cannot hear differently. Let one person speak, Let me know what you want me to make him withdraw. (*Interruptions*)

SHRI PARVATHANENI : On a point of order, Madam. You have promised to expunge whatever uncalled for remarks are there or whatever unparliamentary word is there. But it is very clear that he threatened physical assault. He said, "I will slap you" with gestures. It is not good for the decorum of the house.

AN HON. MEMBER: Is it a point of order? (*Interruptions*)

THE DEPUTY CHAIRMAN: Please keep quiet, I have not heard it. Okay-,....(*Interruptions*) I did not see him slapping anybody. I cannot say that. (*Interruptions*) Just a minute. If he has said, " I will slap....", if it has come in the record, I will expunge it. I will request Mr. Ray not to use such words. We are all educated people. (*Interruptions*) If he has said...(*Interruptions*) Did you say such a thing?

SHRI DEBA PRASAD RAY: If the record reveals that I have said anything derogatory or unparliamentary, I will withdraw. And I will accept your decision also. But I must say on the floor of this House also that the way my people are physically killed and annihilated by them...(*Interruptions*) I will resort to the same position. Why not todo that? (*Interruptions*) I am making this statement on the floor of this House.

THE DEPUTY CHAIRMAN: He has said that if there is any derogatory remakr, he is sorry for it.

SHRI PARVATHANENI UPENDRA: The very gesture is not good. Let him regret it. At least let him say "sorry". He is a good man. He is a responsible member.

SHRI DEBA PRASAD RAY: There is no question of being sorry. I have said that if I have said anything unparliamentary or wrong, it can be expunged. (*Interruptions*)

SHRI BUTA SINGH: Madam, the hon. Member, Mr. Sukomal Sen, should not ask me such questions. Otherwise, I will also have to give some facts about West Bengal.

SHRI SUKOMAL SEN: We will discuss them.

THE DEPUTY CHAIRMAN: We must not tell Mr. Buta Singh how the Members behave. We must tell the House how our Members on both the sides behave.

SHRI BUTA SINGH: They should ask information on such matters where Members are killed. In a case where an hon. Member of this House was killed, how that inquiry was made?

Madam, the hon. Members wanted to know whether some inquiry has been ordered. I have to inform the House that a magistaerial inquiry has been ordered

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to look into this whole agitation, the result thereof, what happended on 25th February, what happend subsequently and what followed. A magisterial inquiry has already been ordered.

THE DEPUTY CHAIRMAN: Now, let us bring our Railways on the rails.

SHRI A.G. KULKARNI (Maharashtra) Mr. Upendra, you have to be sympathetic to the Deputy Chairman who is doing a difficult work here. Both of you are fighting and she is doing a commendable job. You came from Hyderabad fighting with your boss. So, the problem has come.

THE DEPUTY CHAIRMAN: Thank you very much, Mr. Kulkarni, for your kind remarks about me. It is the entire House which is concerned. The tempers do run high. I think summer is coming. I think it has to have some effect inside the House also. I do not know what will happen in May.

SHRI GHULAM RASOOL MATTO (Jammu and Kahmir): I am happy that Mr. Yashwant Sinha has been released and he is on his way to Delhi.

THE DEPUTY CHAIRMAN: You can ask Mr. Yashwant Sinha how he behaved and how he felt.

Mr. Upendra, your name is listed. Will you speak now?

SHRI PARVATHANENI UPENDRA: No, Madam. I will speak tomorrow.

BUDGET (RAILWAYS), 1989-90 *Contd.*

श्रीमती सरला बाहन (उत्तर प्रदेश): माननीय उपसभापति महोदया, आपने मुझे रेलवे बजट पर बोलने का जो अवसर दिया है उसके लिए बहुत बहुत धन्यवाद.

उपसभापति महोदया, यों तो भारत की संपूर्ण अर्थव्यवस्था में रेल विभाग की अत्यंत महत्वपूर्ण भूमिका रहती है, किन्तु वर्तमान रेल बजट में माननीय रेल मंत्री जी ने जनता के हित में जो अभूतपूर्व निर्णय लिए हैं उसके लिए सर्वप्रथम मैं माननीय रेल मंत्री श्री माधवराव सिंधिया जी को तथा माननीय रेल उप मंत्री श्री महावीर प्रसाद जी को तथा रेल मंत्रालय के पदाधिकारियों को उनके परिश्रम के लिए और संतुलित और जन कल्याणकारी बजट पेश करने के लिए हार्दिक बधाई देती हूं.

[उपसभाध्यक्ष (श्री बी. सत्यनारायण रेड्डी) पीठासीन हुए]

महोदय, वास्तव में बजट ने यह साबित कर दिया है कि प्रधान मंत्री श्री राजीव गांधी का नेतृत्व व कांग्रेस सरकार जनकल्याणकारी सरकार है. बजट में माल भाड़े में जहां आंशिक वृद्धि की गई है वहां आम गरीब किसानों तथा मध्यम वर्ग के उपभोग की वस्तुओं जैसे नमक, फल, सब्जी, खाद्य तेल, खांडसारी, खली, पशुओं का चारा और पशुओं पर मालभाड़ा न बढ़ाकर राहत दी है. यात्री किराया या सीजन टिकट में भी कोई वृद्धि नहीं की गई है. राष्ट्रीय सम्मान से पुरस्कृत व्यक्तियों, वृद्धो, पुलिस पदक पाने वाले कर्तव्यनिष्ठ वीर लोगों को यात्रा में माननीय रेल मंत्री जी ने छुट देकर भारी राहत दी है. इन सब जनकल्याणकारी राहतों के लिए माननीय रेल मंत्री जी को हम साधुवाद देते है. श्रीमन, नई गाड़ियों की संख्या में वृद्धि तथा रेल विभाग में कार्यकुशलता को बढ़ाने के लिए की गई व्यवस्थाओं के लिए भी वे प्रशंसा के पात्र है। मैं इस सदन के माध्यम से रेल मंत्री जी से आग्रह करुंगी कि रेलों के समय पर आवागमन को और दरुस्त करे तथा प्रथम श्रेणी के सामान्य डिब्बों में बिस्तर उपलब्ध कराने की व्यवस्थाकरें जिससे यात्रियों को तो सुविधा मिलेगी ही, रेल विभागों को बिस्तरों के किराए के रूप में आय भी होगी.

5.00 P.M

मैं माननीय रेल मंत्री जी का ध्यान आकर्षितकरुंगी कि दिल्ली से आगरा होकर ग्वालियरजाने वाली ताज एक्सप्रेस से हटाये गये वातानुकूलित कोच पुनः लगाये जाये क्योंकि वातानुकूलित कोच हटाने से ताज एक्सप्रेस की गरिमा को काफी धक्का लगा। आगरा का पर्यटन की दृष्टि से भारत में महत्वपूर्ण स्थान है जहां देश विदेश के लाखों पर्यटकों का नित्य आवागमन रहता है। साथ ही ताज एक्सप्रेस को आगरा केंट प्लेट फार्म नं. 1 पर ही आने-जाने की सुविधा प्रदान की जाये।